

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

GLOBAL AEROSPACE, INC.,

Plaintiff / Counter-Defendant,

v.

PHILLIPS AND JORDAN,
INCORPORATED i/s/a/ PHILLIPS &
JORDAN, INC.,

Defendant / Counter-Plaintiff,

v.

AMERICAN ALTERNATIVE INSURANCE
CORPORATION, et al.,

Counter-Defendants.

Case No.: 3:15-cv-105

District Judge Pamela L. Reeves

Magistrate Judge C. Clifford Shirley

JOINT MOTION

**PARTIES' JOINT MOTION FOR ORDER PURSUANT
TO FEDERAL RULE OF EVIDENCE 502(d)**

Defendant/Counter-Plaintiff Phillips and Jordan, Incorporated ("Phillips & Jordan"), Plaintiff/Counter-Defendant Global Aerospace, Inc. ("Global"), Counter-Defendant American Alternative Insurance Corporation ("American Alternative"), Counter-Defendant American Commerce Insurance Company ("American Commerce"), Counter-Defendant Mitsui Sumitomo Insurance Company of America ("Mitsui"), Counter-Defendant National Indemnity Company ("National Indemnity"), and Counter-Defendant Tokio Marine America Insurance Company ("Tokio Marine") (collectively, the "Parties"), pursuant to Rule 502(d) of the Federal Rules of Evidence, hereby jointly move for and agree to the entry of an order:

1. On June 23, 2015, the Parties' attorneys held the required Rule 26 conference and discussed this case's discovery procedure and schedule.

2. On July 2, 2015, the Parties filed their Joint Discovery Plan Pursuant to Federal Rule of Civil Procedure 26(f)(3) [Docket Entry #54].

3. Subsequent to the Parties' initial Rule 26 conference, the Parties again conferred via telephone on January 20, 2016, to discuss matters related to e-discovery more specifically.

4. During the January 20, 2016 conference, the Parties agreed to file a joint motion for a protective order pursuant to Federal Rule of Evidence 502(d).

5. Pursuant to Federal Rule of Evidence 502(d), "[a] federal court may order that the privilege or protection [of attorney-client communications or attorney work product] is not waived by disclosure connected with the litigation pending before the court – in which event the disclosure is also not a waiver in any other federal or state proceeding." Fed. R. Evid. 502(d).

6. The Parties ask this Court to enter an order that any disclosure of privileged documents in this litigation is not a waiver of the privilege in this matter, or any other federal or state proceeding.

7. An agreed order is attached hereto as Exhibit A.

WHEREFORE, the Parties respectfully move this Court to enter an Order, pursuant to Federal Rule of Evidence 502(d), that the attorney-client privilege and attorney work product protection are not waived by disclosure connected with the instant litigation, that such a disclosure is also not a waiver in any other federal or state proceeding, and that nothing in the Order will prevent the Parties from performing a reasonable review of their respective documents for privilege before production to the opposing party.

Dated: March 2, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 2, 2016, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

*s/ Brigid M. Carpenter*_____

Brigid M. Carpenter

SERVICE LIST

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Global Aerospace, Inc. v. Phillips and Jordan, Incorporated
Case No.: 3:15-cv-105

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